

REMARKS

Claims 34-60 are currently pending in this application. In a previously submitted preliminary amendment, filed with the USPTO on June 28, 2001, Claims 1-33 were canceled and Claims 34-60 were added. (See Preliminary Amendment of June 28, 2001, page 10.) Despite the cancellation of Claim 1-33 in the preliminary amendment of June 28, 2001, the Office Action of October 11, 2006 rejects Claims 1-33 under 102(b) as being anticipated by U.S. Patent No. 5,649,117 to Landry, no other rejections or objections are included in the Office Action. Thus, the Office Action of October 11, 2006 only refers to claims that are not currently pending before the USPTO and does not address the patentability of pending Claims 34-60. Because Claims 1-33 were canceled and Claim 34-60 were added several years before the mailing of the Office Action of October 11, 2006, the Applicants respectfully contend that the Office Action of October 11, 2006 is improper and/or incomplete.

The systems and methods for electronically authorizing and initiating payment described Claims 34-60 are substantially different in scope and focus than that which is described in previously canceled Claims 1-33. Applicants respectfully contend that the systems and methods for electronically authorizing and initiating payment described in pending Claims 34-60 are patentable over the Landry reference. For instance, the Landry reference does not fully anticipate the process of “displaying the received payment information in the form of a check with the date displayed as a date of the check; receiving a user authorization to proceed with the payment; and transmitting an instruction to initiate the payment in the particular manner on the check date based on the received user authorization.” Therefore, the Applicants respectfully solicit examination and allowance of pending Claims 34-60.

Further, the Applicants would like to point out that they never received a copy of this Office Action from the USPTO, as the Office Action was returned to the USPTO as undeliverable mail when it was first mailed on October 11, 2006. Before the Office Action was returned to the USPTO as undeliverable mail, the Applicants filed updated correspondence information with the USPTO on October 31, 2006. It was only by happenstance that the Applicants discovered the pending Office Action on PAIRS nearly five months later. The Applicants respectfully request an appropriate reduction in extension fees for extensions of time

due to the fact that (1) the Applicants never received a copy of the Office Action, and (2) the Office Action was improper and/or incomplete as it only considers claims which were previously canceled.

CONCLUSION

The Applicants believe that the above remarks are sufficient and constitute a complete response to the Office Action. It is not believed that extensions of time or fees for addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR §1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

Respectfully submitted,



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